

RECEIVED
CENTRAL FAX CENTERREMARKS

APR 30 2007

By this amendment, claims 1 and 3-6 are revised to place this application in condition for allowance. Currently, claims 1-21 are before the Examiner for consideration on their merits. Claims 22-33 are withdrawn from consideration following a restriction requirement.

In review, claims 1 and 3-6 are amended responsive to the rejection under 35 U.S.C. § 112, second paragraph. Applicants amend claims 1 and 3-6 to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added. Thus, applicants respectfully submit that the rejection be withdrawn.

Turning now to the prior art rejections, applicants assert that the rejections are in error and must be withdrawn on the grounds that a *prima facie* case of obviousness has not been established by the applied prior art. In review, the Examiner rejects claims 1-20 under 35 U.S.C. § 103(a) based on US Patent No. 4,276,073 to Northup (Northup I). In the rejection, the Examiner alleges that Northup I teaches the invention except for the limitation of "establishing suction in the suction cup prior to the bottom of the blank coming into contact with the suction cup." In response to this deficiency, the Examiner alleges that it would have been obvious to establish suction in the plunger prior to the bottom of the blank coming into contact with the suction cup since the parison is not initially in contact with the plunger upon its initial insertion into the blow mold. The Office Action alleges this modification would have been "an obvious choice for one of ordinary skill in the art seeking to minimize processing time of a parison" to avoid waiting time for the parison to flow into contact with the plunger by gravity.

Claim 21 stands rejected under 35 U.S.C. § 103(a) based on Northup I when further modified by U.S. Patent No. 4,507,136 to Northup (Northup II). In this rejection, the Examiner admits that Northup I fails to teach that the stretching stroke for the suction cup decreases with increasing distance from the finishing molds from the pivot axis of the rocker mechanism, but that use of such would be obvious because Northup II teaches a parison drawing machine that elongates a molded parison blank prior to finishing a blow mold.

Applicants respectfully traverse the obviousness rejections of claims 1-21. The rejections based on Northup I and Northup II fail for a number of reasons, as discussed below.

Applicants submit that Northup I fails to disclose or suggest the claim limitation establishing suction in the suction cup prior to the bottom of the blank coming into contact with the suction cup. Northup at column 2, lines 59-62 describes a central plunger 24 moveable from a position coincident with the bottom plate 22 to a position where the plunger extends up to a height nearly equal to the entry position of the parison. Small holes 26 allow the top of plunger 24 to have a vacuum engagement with the bottom of the parison. Column 3, lines 1-6, references Figure 2 of Northup I as allegedly showing that the vacuum engages the bottom of the parison.

Applicants maintain that the Office Action fails to establish obviousness with regards to claims 1-20. Figure 2 of Northup I shows that the suction cup is in contact with the bottom of the parison when the vacuum is initiated. Northup I is silent with regard to when suction occurs in the apparatus of Figure 2. Thus, there is no suggestion or disclosure in Northup I that suction is established prior to the bottom of

the blank coming into contact with the suction cup. Instead, Northup only describes that the plunger is movable to extend up to a height nearly equal to the entry position of the parison.

Further, Northup I describes the extent of travel of the plunger with respect to the entry position of the plunger, and not how the plunger interfaces with the bottom of the parison. Figure 2 quite clearly shows that the suction cup is in contact with the bottom of the parison when the vacuum is initiated, and nothing in Northup I discloses or suggests any action occurring prior to this contact. Therefore, even if one were to conclude that it would be obvious to establish suction given the teachings of Northup I, the feature of establishing suction prior to the bottom of the blank coming into contact with the suction cup limitations is still not disclosed or suggested.

There is also no basis to conclude that one could modify Northup I to establish suction in the suction cup prior to the bottom of the blank coming into contact with the suction cup because there is no suggestion, either express or implicit, in the reference or in the art to support such a contention. The Office Action cites passages in Northup I to conclude that this feature would be obvious because it could be implied from the passages, but provides no support for this conclusion. Applicants reiterate that it would not be obvious to operate the suction prior to contact between the suction cup and the bottom of the parison.

The Office Action uses the passages cited in Northup I regarding the height of the plunger to imply that the parison is not in physical contact with the plunger. Applicants respectfully submit that the reference or the knowledge available to one skilled in the art fails to support this conclusion. Nothing in Northup I discloses or

suggests that the suction occurs prior to the bottom of blank coming into contact with suction cup. In fact, Northup I is silent on when suction occurs.

The Office Action also cites the phrase "at the desired point in the cycle" to imply that suction is established prior to the bottom of the blank coming into contact with the suction cup. Again, the Office Action provides its own interpretation of Northup I to support its conclusion without providing any support within the reference or in the art that the claimed features are implied by the phrase. Northup I does not state that the described cycle is a fabrication cycle, as claimed in the present application. In fact, Northup I describes this cycle as being for a vacuum passage communicating with the interior of the plunger plate, as shown in Figure 2. Applicants note Figure 2 of Northup I shows an apparatus that depicts plunger 24 communicating through holes 26 to have a vacuum engagement with the bottom of parison 10. Thus, Figure 2, and the cited passage in Northup I, refers to the plunger being in contact with the bottom of the parison 10, and not to anything prior to this point. Thus, Northup I is silent on any suction being established before the contact is made.

Thus, applicants submit that one of skill in the art would not look to the teachings of Northup I to render the claims of the present application obvious. Any allegation that the teachings of Northup I showing establishing suction in the suction cup prior to the bottom of the blank coming into contact with the suction cup is the hindsight reconstruction of the prior art in light of Applicants' own disclosure. Therefore, the flaws in the rejection of Independent claim 1 based on Northup I are not cured by the Office Action's conclusion that the subject matter of claim 1 is implied by the teachings of Northup I.

With regards to Northup II, applicants submit that this reference does not provide those limitations missing from Northup I. Specifically, Northup II fails to disclose or suggest establishing suction in the suction cup prior to the bottom of the blank coming into contact with the suction cup. Instead, Northup II describes changing the parison from a shape that is easily formed in the blank mold to a shape that is ideal to produce uniform distribution. Nothing in Northup II discloses or suggests establishing suction prior to the blank coming into contact with the suction cup.

The remaining dependent claims are allowable over Northup I and II for at least the reasons given above.

To summarize, it is contended that the rejection of claims 1-20 based on Northup I is flawed because the reference fails to disclose or suggest all the claimed features. Moreover, Northup II does not overcome the failings of Northup I, and this reference cannot be used to reject claim 21. For at least these reasons, applicants respectfully request that the obviousness rejection of claims 1-21 be withdrawn.

CONCLUSION

The above remarks constitute a complete response to all issues raised in the Office Action dated October 31, 2006. In short, the cited references fail to disclose or suggest all the features of claims 1-21, either alone or in combination.

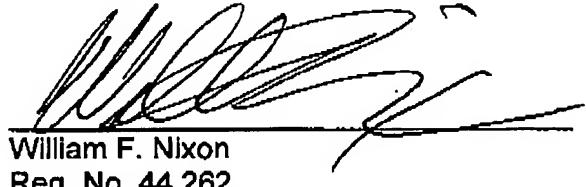
Accordingly, the Examiner is requested to examine this application in light of the amendments and pass claims 1-21 onto issuance.

If the Examiner believes that an interview with Applicants' attorney would expedite allowance of this application, the Examiner is invited to telephone the undersigned at 202-835-1753.

Applicants respectfully petition for a three-month extension of time for responding to the pending Office Action. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,

CLARK & BRODY



William F. Nixon
Reg. No. 44,262

Customer No. 22902
1090 Vermont Ave. NW
Suite 250
Washington, DC 20005
Telephone: 202-835-1111

Docket No.: 71247-0010
Date: April 30, 2007